

James D. Curran, Esq. (SBN 126586)
WOLKIN · CURRAN, LLP
555 Montgomery Street, Suite 1100
San Francisco, California 94111
Telephone: (415) 982-9390
Facsimile: (415) 982-4328
E-mail: JCurran@WolkinCurran.com

Attorneys for Plaintiff
FIRST NATIONAL INSURANCE
COMPANY OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA, a Washington
corporation,

Plaintiff,

v.

CUTTING EDGE GRADING, INC., a
California corporation; LOU'S RENTAL,
a sole proprietorship; and BILLY JOE
TAYLOR, an individual,

Defendants.

Case No. C12-01928 DMR

**STATEMENT OF PLAINTIFF FIRST
NATIONAL INSURANCE COMPANY
OF AMERICA RE: ORDER VACATING
INITIAL CASE MANAGEMENT
CONFERENCE AND SETTING
DEADLINE TO FILE MOTION FOR
DEFAULT JUDGMENT**

Judge: Hon. Donna M. Ryu
Courtroom: 4; Third Floor

Plaintiff FIRST NATIONAL INSURANCE COMPANY OF AMERICA ("**First National**") provides the following statement concerning the Court's request for a "Motion for Default Judgment By No Later than August 31, 2012."

First National is unable to comply with the Court's Order (Document 11) instructing First National to "notice and file a motion for Default Judgment by no later than August 31, 2012." All defendants recently filed for bankruptcy. (See Documents 12 and 13). The

1.

STATEMENT OF PLAINTIFF FIRST NATIONAL RE: ORDER VACATING
INITIAL CASE MANAGEMENT CONFERENCE AND SETTING DEADLINE
TO FILE MOTION FOR DEFAULT JUDGMENT

CASE NO. C12-01928 DMR

1 protections provided by the United States Code Section 362, including but not limited to
2 those pertaining to the “automatic stay” of any actions against a bankruptcy debtor, prohibit
3 First National from filing a notice or motion for default judgment against any of the
4 defendants in this action at this time.

5 Respectfully submitted.

6
7 Dated: July 30, 2012

WOLKIN • CURRAN, LLP

8 By: /s/ James D. Curran
9 James D. Curran

10 Attorneys for Plaintiff
11 FIRST NATIONAL INSURANCE COMPANY OF
12 AMERICA
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

First National Insurance Company v. Cutting Edge Grading, Inc.
U.S.D.C., N.D., Oakland Div., Case No.: CV 12-01928-DMR

CERTIFICATE OF SERVICE

I, Virginia Simmons, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the law firm of WOLKIN · CURRAN, LLP, 555 Montgomery Street, Suite 1100, San Francisco, California 94111.

On July 30, 2012, I served the following document: **STATEMENT OF PLAINTIFF FIRST NATIONAL INSURANCE COMPANY OF AMERICA RE: ORDER VACATING INITIAL CASE MANAGEMENT CONFERENCE AND SETTING DEADLINE TO FILE MOTION FOR DEFAULT JUDGMENT** on the interested parties in said action, by placing a true copy thereof in (a) sealed envelope(s) or package(s), with delivery fees or postage fully prepaid, addressed as follows:

Billy Joe Taylor
3132 Tiger Run Court, Suite 114
Carlsbad, California 92010

Cutting Edge Grading, Inc.
71844 Kelsey Road
Twenty-Nine Palms, California 92277

Billy Joe Taylor
730 Breeze Hill, Suite 250
Vista, California 92081

Cutting Edge Grading, Inc.
3132 Tiger Run Court, Suite 114
Carlsbad, California 92010

Billy Joe Taylor
1506 Ridge Road
Vista, California 92081

Cutting Edge Grading, Inc.
1506 Ridge Road
Vista, California 92081

Billy Joe Taylor
71844 Kelsey Road
Twenty-Nine Palms, California 92277

Cutting Edge Grading, Inc.
730 Breeze Hill, Suite 250
Vista, California 92081

Lou's Rental
71844 Kelsey Road
Twenty-Nine Palms, California 92277

Lou's Rental
1506 Ridge Road
Vista, California 92081


Lou's Rental
3132 Tiger Run Court, Suite 114
Carlsbad, California 92010

Lou's Rental
730 Breeze Hill, Suite 250
Vista, California 92081

and served the named document in the manner(s) indicated below:

1 **X BY MAIL:** I placed true and correct copy(ies) of the above named document(s) in sealed envelope(s) or
2 package(s), with postage fully prepaid, addressed to the addressee(s) listed above or on the attached service list on
3 whom service is to be made. I served the above named documents document(s) by placing the envelope or package
4 for collection and mailing following our ordinary business practices. I am readily familiar with this business's
5 practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed
6 for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
7 The above-named document(s) being served by mail bore a notation of the date and place of mailing and a signed
8 copy of this affidavit or certificate of mailing accompanied the above named document(s).

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct and that I am employed in the office of a member of the bar of
11 this court at whose direction the service was made. Executed on July 30, 2012 at San
12 Francisco, California.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Virginia Simmons